NOTIFICATION

Bangalore, dated 13th December 1968.

G. S. R. 2.—In exercise of the powers conferred by Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946), the Government of Mysore hereby makes the following rules to amend the Mysore Industrial Employment (Standing Orders) Rules, 1961, the draft of the same having been previously published as G.S.R. 36 dated the 3rd February 1968 in Part IV-Section 2 (c) (i) of the *Mysore Gazette*, as required by sub-section (1) of section 15 of the said Act, namely :—

1. Title and commencement. (1) These rules may be called the Mysore Industrial Employment (Standing Orders (Amendment) Rules, 1968.

(2) They shall come into force at once.

2. Amendment of Schedule I.—In Schedule I appended to the Mysore Industrial Employment (Standing Orders) Rules, 1961, in the Model Standing Orders prescribed under rule 3 (1) applicable to workmen excluding clerks and other ministerial staff, set out in the said Schedule, in Standing Order 15 :—

(i) for clauses (4) and (5), the following clause shall be substituted, namely :—

"(4)(*a*) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension he may by order in writing, suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the workman within week from the date of suspension.

(*b*) A workman who is placed under suspension under clause (*a*) shall, during the period of such suspension, be paid a subsistence allowance at the following rates, namely :—

(*i*) Where the inquiry contemplated or pending is departmental, the subsistence allowance shall, for the first ninety days from the date of suspension be equal to one half of the basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled if he were on leave with wages. If the departmental inquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days, the subsistence allowance shall for such period be equal to three-fourths of such basic wages, dearness allowance and other compensatory allowances :

Provided that where such inquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowances.

(*ii*) Where the inquiry is by an outside agency or, as the case may be, where the criminal proceedings against the workman are under investigation or trial, the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension, be equal to one-half of his basic wages, dearness allowances and other compensatory allowance to which the workman would have been entitled to if he were on leave. If such inquiry or criminal proceedings gets prolonged and the workman continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence

allowance shall for such period be equal to three-fourths of such wages:

Provided that where such inquiry or criminal proceedings is prolonged beyond a period of one hundred and eighty days for reasons directly attributable to the workman, the subsistance allowance shall, for the period exceeding one hundred and eighty days, be reduced to one-fourth of such wages.

(c) If on the conclusion of the inquiry, or as the case may be, of the criminal proceedings the workman has been found guilty of the charge framed against him and it is considered, after giving the workman concerned a reasonable opportuity of making representation on the penalty proposed, that an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly:

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period, and the subsistence allowance already paid to him shall not be recovered:

Provided further that where the period between the date on which the workman was suspended from duty pending the inquiry or investigation or trial and the date on which an order of suspension was passed under this clause exceeds four days, the workman shall be deemed to have been suspended only for four days or for such shorter period as is specified in the said order of suspension and for the remaining period he shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period:

Provided also that where an order imposing fine or stoppage of annual increment or reduction in rank is passed

under this clause the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period :

Provided also that in the case of a workman to whom the provisions of clause (2) of article 311 of the Constitution apply, the provisions of that article shall be complied with.

(*d*) If on the conclusion of the inquiry, or as the case may be of the criminal proceedings, the workman has been found to be not guilty of any of the charges framed against him he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

(*e*) The payment of subsistence allowance under this standing order shall be subject to the workman concerned not taking up any employment during the period of suspension.".

(ii) Clause (6) shall be renumbered as clause (5).

[No. FCL 64 LBW 67.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secretary.*